



Ohio Revised Code

Section 4939.0322 [Former R.C. 4939.0325, amended and renumbered by H.B. 478, 132nd General Assembly, effective 8/1/2018] Collocation of wireless support structure; reimbursement charges.

Effective: August 1, 2018

Legislation: House Bill 478 - 132nd General Assembly

(A) A municipal corporation shall permit, consistent with this chapter and for the purpose of providing wireless service, a collocation of a small cell facility by an operator to a wireless support structure owned by the municipal corporation and located in the public way, provided that the operator comply with any applicable design guidelines under division (C) of section 4939.0314 of the Revised Code and reasonable terms and conditions for such collocations adopted by the municipal corporation that are consistent with the design guidelines and this chapter. The municipal corporation may condition approval of the collocation on replacement or modification of the wireless support structure at the operator's cost if the municipal corporation determines that replacement or modification is necessary for compliance with its written construction or safety standards. A replacement or modification of the wireless support structure shall conform to the applicable design guidelines and the municipal corporation's applicable specifications for the type of structure being replaced. The municipal corporation may retain ownership of a replacement wireless support structure.

(B) The total annual charges to reimburse the municipal corporation for the attachment shall not exceed two hundred dollars per small cell facility collocated on a wireless support structure owned by the municipal corporation and located in the public way. Beginning on the effective date of this section, a municipal corporation may adjust this charge ten per cent every five years, rounded to the nearest five dollars. During each five-year period, the adjustment may be applied incrementally or as a single adjustment.

(C) Except for any applicable work permit under division (B) of section 4939.0311 of the Revised Code and financial surety under division (J) of section 4939.0314 of the Revised Code, a municipal corporation may not charge an operator any other charge or fee for a small cell facility or associated wireless support structure except as set forth in section 4939.0316 and division (B) of section 4939.0322 of the Revised Code. The fees set forth in sections 4939.0316 and 4939.0322 of the



Revised Code are not public way fees.

(D) Placement of small cell facilities in the public way or attachment of small cell facilities to a wireless support structure and any fees associated therewith shall not subject a municipal corporation to any state or local tax liabilities or assessments.

(E) To the extent that an investor-owned electric utility whose rates are regulated by the public utilities commission, its affiliate, an electric cooperative, or an independent transmission company is not an operator as defined by this chapter, nothing in sections 4939.01 and 4939.031 to 4939.039 of the Revised Code shall be construed to modify, add to, replace, or supersede any construction standard or engineering practice, tariff, contractual obligation or right, or federal or state law or regulation regarding utility poles, similar structures, or equipment of any type owned or controlled by that investor-owned electric utility, affiliate, electric cooperative, or independent transmission company.